

MELICK & PORTER, LLP COVID-19 MEMO:

Melick & Porter, LLP provides you with the below update regarding the impact of COVID-19 on issues relating to insurance in the United States. The below is not meant to be all-inclusive, but provides an overview as to the trends in the United States. If you have any questions regarding any of the updates below, please do not hesitate to contact us.

SUMMARY OF IMPORTANT LEGISLATION AND EMERGENCY ORDERS AND DIRECTIVES:

Below we provide an overview as to the types of legislative actions that have been occurring, both on a federal and state level.

- House Democrats postponed the planned Tuesday, September 22nd vote on a bill to keep the government funded through December 11, 2020. Congressional leaders hope the delay will allow lawmakers to address some policy differences and move forward with a bipartisan proposal. The two sides are [negotiating](#) over aid to farmers affected by the COVID-19 pandemic and over free school lunch.
- The FDA [announced](#) that stricter standards for the emergency authorization of a potential COVID-19 vaccine making it “exceedingly difficult” for any vaccine to be approved by election day.
- A Centers for Disease Control and Prevention vaccine advisory committee [delayed voting](#) Tuesday on prioritizing the distribution of any coronavirus vaccine until the FDA gives emergency authorization or approval to a shot.
- The Centers for Disease Control and Prevention [released](#) updated guidelines highlighting different levels of risk for Halloween activities.
- New York Governor Andrew Cuomo issued Executive Order No. 202.64 on September 18, 2020, the directive contained in Executive Order 202.48, which modified the directive in Executive Order in 202.28 that prohibited the initiation of a proceeding or enforcement of an eviction of any commercial tenant for nonpayment of rent or a foreclosure of any commercial mortgage for nonpayment of such mortgage is continued through October 20, 2020.

INSURANCE AND COVERAGE RELATED NEWS AND ORDERS/LEGISLATION:

Below we provide an update as to regulations, news, and litigation specifically related to insurance and potential coverage.

- The surplus for the private U.S. property/casualty insurance industry dropped by \$75.9 billion in the first quarter of 2020—its largest-ever quarterly decline—as the stock market suffered a major downturn, according to Verisk (Nasdaq: VRSK), and the American

Property Casualty Insurance Association. Since then, the COVID-19 pandemic has continued to affect many insurers and will likely impact underwriting results for the second quarter and the remainder of the year.

- Munich Reinsurance announced that it has stopped selling pandemic business insurance coverage after it reportedly took a \$1.8 billion hit in the first half of 2020 due to the worldwide COVID-19 pandemic, according to [Bloomberg](#).

BUSINESS AND COMMERCE NEWS AND LEGISLATION RELATED TO COVID-19:

Below we discuss news regarding the economic impact of COVID-19 and measures being taken to address that.

- The FDA issued a temporary guidance, “Resuming Normal Drug and Biologics Manufacturing Operations During the COVID-19 Public Health Emergency,” urging drug manufacturers to assess the impact of current Good Manufacturing Practice (GMP) deviations that occurred as a result of the COVID-19 pandemic. The [temporary guidance](#) offers key considerations for manufacturers as they transition back to normal operations and will remain in effect “only for the duration of the public health emergency related to COVID-19.”
- The U.S. Equal Employment Opportunity Commission (EEOC) updated its guidance, [What You Should Know About COVID-19 and the ADA, Rehabilitation Act, and Other EEO Laws](#), on September 8, 2020, to create a comprehensive guide for both employers and employees addressing common questions related to COVID-19 and federal employment laws.
- Consistent with Public Health Data and Trends, Phase III of Reopening Massachusetts continues in the Commonwealth.

LITIGATION/CIVIL JUSTICE SYSTEM UPDATES AND ORDERS:

Below we, highlight additional judicial orders related to the COVID-19 pandemic.

- In the wake of the July 24, 2020, expiration of the 120-day moratorium on residential evictions in the Coronavirus Aid, Relief, and Economic Security, the U.S. Centers for Disease Control issued an order temporarily halting some residential evictions in the United States. This order applies to lower-income tenants who are unable to pay rent because of the financial impacts of COVID-19. The CDC’s residential eviction moratorium is in effect until December 31, 2020.
- On September 17, 2020, the Massachusetts Supreme Judicial Court issued an updated order regarding the operation of Massachusetts state courts and courthouses during the ongoing COVID-19 pandemic.

- The Supreme Court of New Hampshire issued its Ninth Renewed and Amended Emergency Order effective September 24, 2020. As of September 29, 2020, and through October 19, 2020 and/or the last day of a Declared State of Emergency, the Supreme Court will remain open on a restricted basis, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19.
 - o To limit possible community transmission of the coronavirus, guidance from New Hampshire's Department of Health and Human Services advises travelers from outside of the New England States to self-quarantine for 14 days upon arrival in New Hampshire. In accord with this guidance, the New Hampshire Supreme Court has issued an order [[link to order](#)] that will require people who have traveled from outside of New England to complete the 14-day self-quarantine period before they enter a courthouses.